

**SENATE AMENDMENT NO. \_\_\_\_\_**

**TO**

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Offered by \_\_\_\_\_ Of \_\_\_\_\_

Amend SA SS/SCS/HCS/House Bill No. 1606, Page 1, Section \_\_\_\_\_, Line 1,

2 by inserting after the word "page" the following: "15,  
3 section 140.190, line 55, by inserting after all of said  
4 line the following:

5 "144.030. 1. There is hereby specifically exempted  
6 from the provisions of sections 144.010 to 144.525 and from  
7 the computation of the tax levied, assessed or payable  
8 pursuant to sections 144.010 to 144.525 such retail sales as  
9 may be made in commerce between this state and any other  
10 state of the United States, or between this state and any  
11 foreign country, and any retail sale which the state of  
12 Missouri is prohibited from taxing pursuant to the  
13 Constitution or laws of the United States of America, and  
14 such retail sales of tangible personal property which the  
15 general assembly of the state of Missouri is prohibited from  
16 taxing or further taxing by the constitution of this state.

17 2. There are also specifically exempted from the  
18 provisions of the local sales tax law as defined in section  
19 32.085, section 238.235, and sections 144.010 to 144.525 and  
20 144.600 to 144.761 and from the computation of the tax  
21 levied, assessed or payable pursuant to the local sales tax

22 law as defined in section 32.085, section 238.235, and  
23 sections 144.010 to 144.525 and 144.600 to 144.745:

24 (1) Motor fuel or special fuel subject to an excise  
25 tax of this state, unless all or part of such excise tax is  
26 refunded pursuant to section 142.824; or upon the sale at  
27 retail of fuel to be consumed in manufacturing or creating  
28 gas, power, steam, electrical current or in furnishing water  
29 to be sold ultimately at retail; or feed for livestock or  
30 poultry; or grain to be converted into foodstuffs which are  
31 to be sold ultimately in processed form at retail; or seed,  
32 limestone or fertilizer which is to be used for seeding,  
33 liming or fertilizing crops which when harvested will be  
34 sold at retail or will be fed to livestock or poultry to be  
35 sold ultimately in processed form at retail; economic  
36 poisons registered pursuant to the provisions of the  
37 Missouri pesticide registration law, sections 281.220 to  
38 281.310, which are to be used in connection with the growth  
39 or production of crops, fruit trees or orchards applied  
40 before, during, or after planting, the crop of which when  
41 harvested will be sold at retail or will be converted into  
42 foodstuffs which are to be sold ultimately in processed form  
43 at retail;

44 (2) Materials, manufactured goods, machinery and parts  
45 which when used in manufacturing, processing, compounding,  
46 mining, producing or fabricating become a component part or  
47 ingredient of the new personal property resulting from such  
48 manufacturing, processing, compounding, mining, producing or  
49 fabricating and which new personal property is intended to  
50 be sold ultimately for final use or consumption; and  
51 materials, including without limitation, gases and  
52 manufactured goods, including without limitation slagging  
53 materials and firebrick, which are ultimately consumed in  
54 the manufacturing process by blending, reacting or

55 interacting with or by becoming, in whole or in part,  
56 component parts or ingredients of steel products intended to  
57 be sold ultimately for final use or consumption;

58 (3) Materials, replacement parts and equipment  
59 purchased for use directly upon, and for the repair and  
60 maintenance or manufacture of, motor vehicles, watercraft,  
61 railroad rolling stock or aircraft engaged as common  
62 carriers of persons or property;

63 (4) Replacement machinery, equipment, and parts and  
64 the materials and supplies solely required for the  
65 installation or construction of such replacement machinery,  
66 equipment, and parts, used directly in manufacturing,  
67 mining, fabricating or producing a product which is intended  
68 to be sold ultimately for final use or consumption; and  
69 machinery and equipment, and the materials and supplies  
70 required solely for the operation, installation or  
71 construction of such machinery and equipment, purchased and  
72 used to establish new, or to replace or expand existing,  
73 material recovery processing plants in this state. For the  
74 purposes of this subdivision, a "material recovery  
75 processing plant" means a facility that has as its primary  
76 purpose the recovery of materials into a usable product or a  
77 different form which is used in producing a new product and  
78 shall include a facility or equipment which are used  
79 exclusively for the collection of recovered materials for  
80 delivery to a material recovery processing plant but shall  
81 not include motor vehicles used on highways. For purposes  
82 of this section, the terms motor vehicle and highway shall  
83 have the same meaning pursuant to section 301.010. For the  
84 purposes of this subdivision, subdivision (5) of this  
85 subsection, and section 144.054, as well as the definition  
86 in subdivision (9) of subsection 1 of section 144.010, the  
87 term "product" includes telecommunications services and the

88 term "manufacturing" shall include the production, or  
89 production and transmission, of telecommunications  
90 services. The preceding sentence does not make a  
91 substantive change in the law and is intended to clarify  
92 that the term "manufacturing" has included and continues to  
93 include the production and transmission of  
94 "telecommunications services", as enacted in this  
95 subdivision and subdivision (5) of this subsection, as well  
96 as the definition in subdivision (9) of subsection 1 of  
97 section 144.010. The preceding two sentences reaffirm  
98 legislative intent consistent with the interpretation of  
99 this subdivision and subdivision (5) of this subsection in  
100 *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d  
101 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v.*  
102 *Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), and  
103 accordingly abrogates the Missouri supreme court's  
104 interpretation of those exemptions in *IBM Corporation v.*  
105 *Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) to the  
106 extent inconsistent with this section and *Southwestern Bell*  
107 *Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc  
108 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*,  
109 182 S.W.3d 226 (Mo. banc 2005). The construction and  
110 application of this subdivision as expressed by the Missouri  
111 supreme court in *DST Systems, Inc. v. Director of Revenue*,  
112 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v.*  
113 *Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and  
114 *Southwestern Bell Tel. Co. v. Director of Revenue*, 182  
115 S.W.3d 226 (Mo. banc 2005), is hereby affirmed. Material  
116 recovery is not the reuse of materials within a  
117 manufacturing process or the use of a product previously  
118 recovered. The material recovery processing plant shall  
119 qualify under the provisions of this section regardless of  
120 ownership of the material being recovered;

121           (5) Machinery and equipment, and parts and the  
122 materials and supplies solely required for the installation  
123 or construction of such machinery and equipment, purchased  
124 and used to establish new or to expand existing  
125 manufacturing, mining or fabricating plants in the state if  
126 such machinery and equipment is used directly in  
127 manufacturing, mining or fabricating a product which is  
128 intended to be sold ultimately for final use or  
129 consumption. The construction and application of this  
130 subdivision as expressed by the Missouri supreme court in  
131 *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo.  
132 banc 2001); *Southwestern Bell Tel. Co. v. Director of*  
133 *Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern*  
134 *Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo.  
135 banc 2005), is hereby affirmed;

136           (6) Tangible personal property which is used  
137 exclusively in the manufacturing, processing, modification  
138 or assembling of products sold to the United States  
139 government or to any agency of the United States government;

140           (7) Animals or poultry used for breeding or feeding  
141 purposes, or captive wildlife;

142           (8) Newsprint, ink, computers, photosensitive paper  
143 and film, toner, printing plates and other machinery,  
144 equipment, replacement parts and supplies used in producing  
145 newspapers published for dissemination of news to the  
146 general public;

147           (9) The rentals of films, records or any type of sound  
148 or picture transcriptions for public commercial display;

149           (10) Pumping machinery and equipment used to propel  
150 products delivered by pipelines engaged as common carriers;

151           (11) Railroad rolling stock for use in transporting  
152 persons or property in interstate commerce and motor  
153 vehicles licensed for a gross weight of twenty-four thousand

154 pounds or more or trailers used by common carriers, as  
155 defined in section 390.020, in the transportation of persons  
156 or property;

157       (12) Electrical energy used in the actual primary  
158 manufacture, processing, compounding, mining or producing of  
159 a product, or electrical energy used in the actual secondary  
160 processing or fabricating of the product, or a material  
161 recovery processing plant as defined in subdivision (4) of  
162 this subsection, in facilities owned or leased by the  
163 taxpayer, if the total cost of electrical energy so used  
164 exceeds ten percent of the total cost of production, either  
165 primary or secondary, exclusive of the cost of electrical  
166 energy so used or if the raw materials used in such  
167 processing contain at least twenty-five percent recovered  
168 materials as defined in section 260.200. There shall be a  
169 rebuttable presumption that the raw materials used in the  
170 primary manufacture of automobiles contain at least twenty-  
171 five percent recovered materials. For purposes of this  
172 subdivision, "processing" means any mode of treatment, act  
173 or series of acts performed upon materials to transform and  
174 reduce them to a different state or thing, including  
175 treatment necessary to maintain or preserve such processing  
176 by the producer at the production facility;

177       (13) Anodes which are used or consumed in  
178 manufacturing, processing, compounding, mining, producing or  
179 fabricating and which have a useful life of less than one  
180 year;

181       (14) Machinery, equipment, appliances and devices  
182 purchased or leased and used solely for the purpose of  
183 preventing, abating or monitoring air pollution, and  
184 materials and supplies solely required for the installation,  
185 construction or reconstruction of such machinery, equipment,  
186 appliances and devices;

187           (15) Machinery, equipment, appliances and devices  
188 purchased or leased and used solely for the purpose of  
189 preventing, abating or monitoring water pollution, and  
190 materials and supplies solely required for the installation,  
191 construction or reconstruction of such machinery, equipment,  
192 appliances and devices;

193           (16) Tangible personal property purchased by a rural  
194 water district;

195           (17) All amounts paid or charged for admission or  
196 participation or other fees paid by or other charges to  
197 individuals in or for any place of amusement, entertainment  
198 or recreation, games or athletic events, including museums,  
199 fairs, zoos and planetariums, owned or operated by a  
200 municipality or other political subdivision where all the  
201 proceeds derived therefrom benefit the municipality or other  
202 political subdivision and do not inure to any private  
203 person, firm, or corporation, provided, however, that a  
204 municipality or other political subdivision may enter into  
205 revenue-sharing agreements with private persons, firms, or  
206 corporations providing goods or services, including  
207 management services, in or for the place of amusement,  
208 entertainment or recreation, games or athletic events, and  
209 provided further that nothing in this subdivision shall  
210 exempt from tax any amounts retained by any private person,  
211 firm, or corporation under such revenue-sharing agreement;

212           (18) All sales of insulin, and all sales, rentals,  
213 repairs, and parts of durable medical equipment, prosthetic  
214 devices, and orthopedic devices as defined on January 1,  
215 1980, by the federal Medicare program pursuant to Title  
216 XVIII of the Social Security Act of 1965, including the  
217 items specified in Section 1862(a)(12) of that act, and also  
218 specifically including hearing aids and hearing aid supplies  
219 and all sales of drugs which may be legally dispensed by a

220 licensed pharmacist only upon a lawful prescription of a  
221 practitioner licensed to administer those items, including  
222 samples and materials used to manufacture samples which may  
223 be dispensed by a practitioner authorized to dispense such  
224 samples and all sales or rental of medical oxygen, home  
225 respiratory equipment and accessories including parts, and  
226 hospital beds and accessories and ambulatory aids including  
227 parts, and all sales or rental of manual and powered  
228 wheelchairs including parts, and stairway lifts, Braille  
229 writers, electronic Braille equipment and, if purchased or  
230 rented by or on behalf of a person with one or more physical  
231 or mental disabilities to enable them to function more  
232 independently, all sales or rental of scooters including  
233 parts, and reading machines, electronic print enlargers and  
234 magnifiers, electronic alternative and augmentative  
235 communication devices, and items used solely to modify motor  
236 vehicles to permit the use of such motor vehicles by  
237 individuals with disabilities or sales of over-the-counter  
238 or nonprescription drugs to individuals with disabilities,  
239 and drugs required by the Food and Drug Administration to  
240 meet the over-the-counter drug product labeling requirements  
241 in 21 CFR 201.66, or its successor, as prescribed by a  
242 health care practitioner licensed to prescribe;

243 (19) All sales made by or to religious and charitable  
244 organizations and institutions in their religious,  
245 charitable or educational functions and activities and all  
246 sales made by or to all elementary and secondary schools  
247 operated at public expense in their educational functions  
248 and activities;

249 (20) All sales of aircraft to common carriers for  
250 storage or for use in interstate commerce and all sales made  
251 by or to not-for-profit civic, social, service or fraternal  
252 organizations, including fraternal organizations which have

253 been declared tax-exempt organizations pursuant to Section  
254 501(c) (8) or (10) of the 1986 Internal Revenue Code, as  
255 amended, in their civic or charitable functions and  
256 activities and all sales made to eleemosynary and penal  
257 institutions and industries of the state, and all sales made  
258 to any private not-for-profit institution of higher  
259 education not otherwise excluded pursuant to subdivision  
260 (19) of this subsection or any institution of higher  
261 education supported by public funds, and all sales made to a  
262 state relief agency in the exercise of relief functions and  
263 activities;

264 (21) All ticket sales made by benevolent, scientific  
265 and educational associations which are formed to foster,  
266 encourage, and promote progress and improvement in the  
267 science of agriculture and in the raising and breeding of  
268 animals, and by nonprofit summer theater organizations if  
269 such organizations are exempt from federal tax pursuant to  
270 the provisions of the Internal Revenue Code and all  
271 admission charges and entry fees to the Missouri state fair  
272 or any fair conducted by a county agricultural and  
273 mechanical society organized and operated pursuant to  
274 sections 262.290 to 262.530;

275 (22) All sales made to any private not-for-profit  
276 elementary or secondary school, all sales of feed additives,  
277 medications or vaccines administered to livestock or poultry  
278 in the production of food or fiber, all sales of pesticides  
279 used in the production of crops, livestock or poultry for  
280 food or fiber, all sales of bedding used in the production  
281 of livestock or poultry for food or fiber, all sales of  
282 propane or natural gas, electricity or diesel fuel used  
283 exclusively for drying agricultural crops, natural gas used  
284 in the primary manufacture or processing of fuel ethanol as  
285 defined in section 142.028, natural gas, propane, and

286 electricity used by an eligible new generation cooperative  
287 or an eligible new generation processing entity as defined  
288 in section 348.432, and all sales of farm machinery and  
289 equipment, other than airplanes, motor vehicles and  
290 trailers, and any freight charges on any exempt item. As  
291 used in this subdivision, the term "feed additives" means  
292 tangible personal property which, when mixed with feed for  
293 livestock or poultry, is to be used in the feeding of  
294 livestock or poultry. As used in this subdivision, the term  
295 "pesticides" includes adjuvants such as crop oils,  
296 surfactants, wetting agents and other assorted pesticide  
297 carriers used to improve or enhance the effect of a  
298 pesticide and the foam used to mark the application of  
299 pesticides and herbicides for the production of crops,  
300 livestock or poultry. As used in this subdivision, the term  
301 "farm machinery and equipment" means new or used farm  
302 tractors and such other new or used farm machinery and  
303 equipment and repair or replacement parts thereon and any  
304 accessories for and upgrades to such farm machinery and  
305 equipment, rotary mowers used exclusively for agricultural  
306 purposes, and supplies and lubricants used exclusively,  
307 solely, and directly for producing crops, raising and  
308 feeding livestock, fish, poultry, pheasants, chukar, quail,  
309 or for producing milk for ultimate sale at retail, including  
310 field drain tile, and one-half of each purchaser's purchase  
311 of diesel fuel therefor which is:

- 312 (a) Used exclusively for agricultural purposes;  
313 (b) Used on land owned or leased for the purpose of  
314 producing farm products; and  
315 (c) Used directly in producing farm products to be  
316 sold ultimately in processed form or otherwise at retail or  
317 in producing farm products to be fed to livestock or poultry  
318 to be sold ultimately in processed form at retail;

319           (23) Except as otherwise provided in section 144.032,  
320 all sales of metered water service, electricity, electrical  
321 current, natural, artificial or propane gas, wood, coal or  
322 home heating oil for domestic use and in any city not within  
323 a county, all sales of metered or unmetered water service  
324 for domestic use:

325           (a) "Domestic use" means that portion of metered water  
326 service, electricity, electrical current, natural,  
327 artificial or propane gas, wood, coal or home heating oil,  
328 and in any city not within a county, metered or unmetered  
329 water service, which an individual occupant of a residential  
330 premises uses for nonbusiness, noncommercial or  
331 nonindustrial purposes. Utility service through a single or  
332 master meter for residential apartments or condominiums,  
333 including service for common areas and facilities and vacant  
334 units, shall be deemed to be for domestic use. Each seller  
335 shall establish and maintain a system whereby individual  
336 purchases are determined as exempt or nonexempt;

337           (b) Regulated utility sellers shall determine whether  
338 individual purchases are exempt or nonexempt based upon the  
339 seller's utility service rate classifications as contained  
340 in tariffs on file with and approved by the Missouri public  
341 service commission. Sales and purchases made pursuant to  
342 the rate classification "residential" and sales to and  
343 purchases made by or on behalf of the occupants of  
344 residential apartments or condominiums through a single or  
345 master meter, including service for common areas and  
346 facilities and vacant units, shall be considered as sales  
347 made for domestic use and such sales shall be exempt from  
348 sales tax. Sellers shall charge sales tax upon the entire  
349 amount of purchases classified as nondomestic use. The  
350 seller's utility service rate classification and the

351 provision of service thereunder shall be conclusive as to  
352 whether or not the utility must charge sales tax;

353 (c) Each person making domestic use purchases of  
354 services or property and who uses any portion of the  
355 services or property so purchased for a nondomestic use  
356 shall, by the fifteenth day of the fourth month following  
357 the year of purchase, and without assessment, notice or  
358 demand, file a return and pay sales tax on that portion of  
359 nondomestic purchases. Each person making nondomestic  
360 purchases of services or property and who uses any portion  
361 of the services or property so purchased for domestic use,  
362 and each person making domestic purchases on behalf of  
363 occupants of residential apartments or condominiums through  
364 a single or master meter, including service for common areas  
365 and facilities and vacant units, under a nonresidential  
366 utility service rate classification may, between the first  
367 day of the first month and the fifteenth day of the fourth  
368 month following the year of purchase, apply for credit or  
369 refund to the director of revenue and the director shall  
370 give credit or make refund for taxes paid on the domestic  
371 use portion of the purchase. The person making such  
372 purchases on behalf of occupants of residential apartments  
373 or condominiums shall have standing to apply to the director  
374 of revenue for such credit or refund;

375 (24) All sales of handicraft items made by the seller  
376 or the seller's spouse if the seller or the seller's spouse  
377 is at least sixty-five years of age, and if the total gross  
378 proceeds from such sales do not constitute a majority of the  
379 annual gross income of the seller;

380 (25) Excise taxes, collected on sales at retail,  
381 imposed by Sections 4041, 4071, 4081, 4091, 4161, 4181,  
382 4251, 4261 and 4271 of Title 26, United States Code. The  
383 director of revenue shall promulgate rules pursuant to

384 chapter 536 to eliminate all state and local sales taxes on  
385 such excise taxes;

386 (26) Sales of fuel consumed or used in the operation  
387 of ships, barges, or waterborne vessels which are used  
388 primarily in or for the transportation of property or cargo,  
389 or the conveyance of persons for hire, on navigable rivers  
390 bordering on or located in part in this state, if such fuel  
391 is delivered by the seller to the purchaser's barge, ship,  
392 or waterborne vessel while it is afloat upon such river;

393 (27) All sales made to an interstate compact agency  
394 created pursuant to sections 70.370 to 70.441 or sections  
395 238.010 to 238.100 in the exercise of the functions and  
396 activities of such agency as provided pursuant to the  
397 compact;

398 (28) Computers, computer software and computer  
399 security systems purchased for use by architectural or  
400 engineering firms headquartered in this state. For the  
401 purposes of this subdivision, "headquartered in this state"  
402 means the office for the administrative management of at  
403 least four integrated facilities operated by the taxpayer is  
404 located in the state of Missouri;

405 (29) All livestock sales when either the seller is  
406 engaged in the growing, producing or feeding of such  
407 livestock, or the seller is engaged in the business of  
408 buying and selling, bartering or leasing of such livestock;

409 (30) All sales of barges which are to be used  
410 primarily in the transportation of property or cargo on  
411 interstate waterways;

412 (31) Electrical energy or gas, whether natural,  
413 artificial or propane, water, or other utilities which are  
414 ultimately consumed in connection with the manufacturing of  
415 cellular glass products or in any material recovery

416 processing plant as defined in subdivision (4) of this  
417 subsection;

418 (32) Notwithstanding other provisions of law to the  
419 contrary, all sales of pesticides or herbicides used in the  
420 production of crops, aquaculture, livestock or poultry;

421 (33) Tangible personal property and utilities  
422 purchased for use or consumption directly or exclusively in  
423 the research and development of agricultural/biotechnology  
424 and plant genomics products and prescription pharmaceuticals  
425 consumed by humans or animals;

426 (34) All sales of grain bins for storage of grain for  
427 resale;

428 (35) All sales of feed which are developed for and  
429 used in the feeding of pets owned by a commercial breeder  
430 when such sales are made to a commercial breeder, as defined  
431 in section 273.325, and licensed pursuant to sections  
432 273.325 to 273.357;

433 (36) All purchases by a contractor on behalf of an  
434 entity located in another state, provided that the entity is  
435 authorized to issue a certificate of exemption for purchases  
436 to a contractor under the provisions of that state's laws.  
437 For purposes of this subdivision, the term "certificate of  
438 exemption" shall mean any document evidencing that the  
439 entity is exempt from sales and use taxes on purchases  
440 pursuant to the laws of the state in which the entity is  
441 located. Any contractor making purchases on behalf of such  
442 entity shall maintain a copy of the entity's exemption  
443 certificate as evidence of the exemption. If the exemption  
444 certificate issued by the exempt entity to the contractor is  
445 later determined by the director of revenue to be invalid  
446 for any reason and the contractor has accepted the  
447 certificate in good faith, neither the contractor or the  
448 exempt entity shall be liable for the payment of any taxes,

449 interest and penalty due as the result of use of the invalid  
450 exemption certificate. Materials shall be exempt from all  
451 state and local sales and use taxes when purchased by a  
452 contractor for the purpose of fabricating tangible personal  
453 property which is used in fulfilling a contract for the  
454 purpose of constructing, repairing or remodeling facilities  
455 for the following:

456 (a) An exempt entity located in this state, if the  
457 entity is one of those entities able to issue project  
458 exemption certificates in accordance with the provisions of  
459 section 144.062; or

460 (b) An exempt entity located outside the state if the  
461 exempt entity is authorized to issue an exemption  
462 certificate to contractors in accordance with the provisions  
463 of that state's law and the applicable provisions of this  
464 section;

465 (37) All sales or other transfers of tangible personal  
466 property to a lessor who leases the property under a lease  
467 of one year or longer executed or in effect at the time of  
468 the sale or other transfer to an interstate compact agency  
469 created pursuant to sections 70.370 to 70.441 or sections  
470 238.010 to 238.100;

471 (38) Sales of tickets to any collegiate athletic  
472 championship event that is held in a facility owned or  
473 operated by a governmental authority or commission, a quasi-  
474 governmental agency, a state university or college or by the  
475 state or any political subdivision thereof, including a  
476 municipality, and that is played on a neutral site and may  
477 reasonably be played at a site located outside the state of  
478 Missouri. For purposes of this subdivision, "neutral site"  
479 means any site that is not located on the campus of a  
480 conference member institution participating in the event;

481           (39) All purchases by a sports complex authority  
482 created under section 64.920, and all sales of utilities by  
483 such authority at the authority's cost that are consumed in  
484 connection with the operation of a sports complex leased to  
485 a professional sports team;

486           (40) All materials, replacement parts, and equipment  
487 purchased for use directly upon, and for the modification,  
488 replacement, repair, and maintenance of aircraft, aircraft  
489 power plants, and aircraft accessories;

490           (41) Sales of sporting clays, wobble, skeet, and trap  
491 targets to any shooting range or similar places of business  
492 for use in the normal course of business and money received  
493 by a shooting range or similar places of business from  
494 patrons and held by a shooting range or similar place of  
495 business for redistribution to patrons at the conclusion of  
496 a shooting event;

497           (42) All sales of motor fuel, as defined in section  
498 142.800, used in any watercraft, as defined in section  
499 306.010;

500           (43) Any new or used aircraft sold or delivered in  
501 this state to a person who is not a resident of this state  
502 or a corporation that is not incorporated in this state, and  
503 such aircraft is not to be based in this state and shall not  
504 remain in this state more than ten business days subsequent  
505 to the last to occur of:

506           (a) The transfer of title to the aircraft to a person  
507 who is not a resident of this state or a corporation that is  
508 not incorporated in this state; or

509           (b) The date of the return to service of the aircraft  
510 in accordance with 14 CFR 91.407 for any maintenance,  
511 preventive maintenance, rebuilding, alterations, repairs, or  
512 installations that are completed contemporaneously with the  
513 transfer of title to the aircraft to a person who is not a

514 resident of this state or a corporation that is not  
515 incorporated in this state;

516 (44) Motor vehicles registered in excess of fifty-four  
517 thousand pounds, and the trailers pulled by such motor  
518 vehicles, that are actually used in the normal course of  
519 business to haul property on the public highways of the  
520 state, and that are capable of hauling loads commensurate  
521 with the motor vehicle's registered weight; and the  
522 materials, replacement parts, and equipment purchased for  
523 use directly upon, and for the repair and maintenance or  
524 manufacture of such vehicles. For purposes of this  
525 subdivision, "motor vehicle" and "public highway" shall have  
526 the meaning as ascribed in section 390.020;

527 (45) All internet access or the use of internet access  
528 regardless of whether the tax is imposed on a provider of  
529 internet access or a buyer of internet access. For purposes  
530 of this subdivision, the following terms shall mean:

531 (a) "Direct costs", costs incurred by a governmental  
532 authority solely because of an internet service provider's  
533 use of the public right-of-way. The term shall not include  
534 costs that the governmental authority would have incurred if  
535 the internet service provider did not make such use of the  
536 public right-of-way. Direct costs shall be determined in a  
537 manner consistent with generally accepted accounting  
538 principles;

539 (b) "Internet", computer and telecommunications  
540 facilities, including equipment and operating software, that  
541 comprises the interconnected worldwide network that employ  
542 the transmission control protocol or internet protocol, or  
543 any predecessor or successor protocols to that protocol, to  
544 communicate information of all kinds by wire or radio;

545 (c) "Internet access", a service that enables users to  
546 connect to the internet to access content, information, or

547 other services without regard to whether the service is  
548 referred to as telecommunications, communications,  
549 transmission, or similar services, and without regard to  
550 whether a provider of the service is subject to regulation  
551 by the Federal Communications Commission as a common carrier  
552 under 47 U.S.C. Section 201, et seq. For purposes of this  
553 subdivision, internet access also includes: the purchase,  
554 use, or sale of communications services, including  
555 telecommunications services as defined in section 144.010,  
556 to the extent the communications services are purchased,  
557 used, or sold to provide the service described in this  
558 subdivision or to otherwise enable users to access content,  
559 information, or other services offered over the internet;  
560 services that are incidental to the provision of a service  
561 described in this subdivision, when furnished to users as  
562 part of such service, including a home page, electronic  
563 mail, and instant messaging, including voice-capable and  
564 video-capable electronic mail and instant messaging, video  
565 clips, and personal electronic storage capacity; a home page  
566 electronic mail and instant messaging, including voice-  
567 capable and video-capable electronic mail and instant  
568 messaging, video clips, and personal electronic storage  
569 capacity that are provided independently or that are not  
570 packed with internet access. As used in this subdivision,  
571 internet access does not include voice, audio, and video  
572 programming or other products and services, except services  
573 described in this paragraph or this subdivision, that use  
574 internet protocol or any successor protocol and for which  
575 there is a charge, regardless of whether the charge is  
576 separately stated or aggregated with the charge for services  
577 described in this paragraph or this subdivision;

578 (d) "Tax", any charge imposed by the state or a  
579 political subdivision of the state for the purpose of

580 generating revenues for governmental purposes and that is  
581 not a fee imposed for a specific privilege, service, or  
582 benefit conferred, except as described as otherwise under  
583 this subdivision, or any obligation imposed on a seller to  
584 collect and to remit to the state or a political subdivision  
585 of the state any gross retail tax, sales tax, or use tax  
586 imposed on a buyer by such a governmental entity. The term  
587 tax shall not include any franchise fee or similar fee  
588 imposed or authorized under section 67.1830 or 67.2689;  
589 Section 622 or 653 of the Communications Act of 1934, 47  
590 U.S.C. Section 542 and 47 U.S.C. Section 573; or any other  
591 fee related to obligations of telecommunications carriers  
592 under the Communications Act of 1934, 47 U.S.C. Section 151,  
593 et seq., except to the extent that:

594 a. The fee is not imposed for the purpose of  
595 recovering direct costs incurred by the franchising or other  
596 governmental authority from providing the specific  
597 privilege, service, or benefit conferred to the payer of the  
598 fee; or

599 b. The fee is imposed for the use of a public right-of-  
600 way based on a percentage of the service revenue, and the  
601 fee exceeds the incremental direct costs incurred by the  
602 governmental authority associated with the provision of that  
603 right-of-way to the provider of internet access service.

604 Nothing in this subdivision shall be interpreted as an  
605 exemption from taxes due on goods or services that were  
606 subject to tax on January 1, 2016;

607 (46) All sales of feminine hygiene products. For the  
608 purposes of this subdivision, "feminine hygiene products"  
609 shall mean tampons, pads, liners, and cups.

610 3. Any ruling, agreement, or contract, whether written  
611 or oral, express or implied, between a person and this  
612 state's executive branch, or any other state agency or

613 department, stating, agreeing, or ruling that such person is  
614 not required to collect sales and use tax in this state  
615 despite the presence of a warehouse, distribution center, or  
616 fulfillment center in this state that is owned or operated  
617 by the person or an affiliated person shall be null and void  
618 unless it is specifically approved by a majority vote of  
619 each of the houses of the general assembly. For purposes of  
620 this subsection, an "affiliated person" means any person  
621 that is a member of the same controlled group of  
622 corporations as defined in Section 1563(a) of the Internal  
623 Revenue Code of 1986, as amended, as the vendor or any other  
624 entity that, notwithstanding its form of organization, bears  
625 the same ownership relationship to the vendor as a  
626 corporation that is a member of the same controlled group of  
627 corporations as defined in Section 1563(a) of the Internal  
628 Revenue Code, as amended."; and  
629 Further amend said bill, page".